

AMENDED

Nº 44366

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office: AUG 25 1981
Returned to applicant for correction: NOV 17 1981
Corrected application filed:
Map filed: DEC 23 1981

The applicant Marshall Earth Resources, Inc.
One East Liberty Street - Suite 612, of Reno,
Street and No. or P.O. Box No. City or Town
Nevada (89501), hereby make application for permission to appropriate the public
State and Zip Code No.
waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)
Incorporated in Nevada on December 3, 1979

1. The source of the proposed appropriation is Underground
Name of stream, lake or other source.
2. The amount of water applied for is 1.0 second-feet
One second-foot equals 448.83 gals. per min.
(a) If stored in reservoir give number of acre-feet acre-feet
3. The water to be used for Mining, Milling and Domestic
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.
4. If use is for:
 - (a) Irrigation (state number of acres to be irrigated)
 - (b) Stockwater (state number and kinds of animals to be watered)
 - (c) Other use (describe fully under "No. 12. Remarks")
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point: NE 1/4 NW 1/4 Section 33, T13N, R39E, M.D.M., or at a point from which the Northeast corner of Section 1, T12N, R38E, M.D.M. bears S 73°29'55" W a distance of 13,512.50 feet
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, it should be stated.
6. Place of use E 1/2 NW 1/4 and NE 1/4 Section 33, T13N, R39E, M.D.M. (Unsurveyed)
Describe by legal subdivision, if on unsurveyed land it should be so stated.
7. Use will begin about January 1 and end about December 31, of each year.
Month and Day Month and Day
8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Drilled and cased well, submergible pump, electric motor and distribution system.
State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.

9. Estimated cost of works. \$15,000
10. Estimated time required to construct works. Two years
If well completed, describe works.
11. Estimated time required to complete the application to beneficial use. Four years
12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.
Water will be used for mining and milling purposes. Annual duty not to exceed 700-acre feet per year.

By s/Ross E. de Lipkau
Ross E. de Lipkau, Agent
Post Office Box 2790
Reno, Nevada (89505)

Compared js/ cs pr/bc

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins or before the Proof of Completion of Work is filed.

The total combined rate of diversion issued under this Permit and Permits 35890, 44367, 46638 and 46639 shall not exceed 4.189 c.f.s.

The total combined duty of water under Permits 35890, 44366, 44367, 46638 and 46639 shall not exceed 65.18 million gallons annually.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal, and local agencies.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.0 cubic feet per second, but not to exceed 65.18 million gallons annually.

- Actual construction work shall begin on or before N/A
- Proof of commencement of work shall be filed before N/A
- Work must be prosecuted with reasonable diligence and be completed on or before October 17, 1986
- Proof of completion of work shall be filed before November 17, 1986
- Application of water to beneficial use shall be made on or before October 17, 1989
- Proof of the application of water to beneficial use shall be filed on or before November 17, 1989
- Map in support of proof of beneficial use shall be filed on or before

Commencement of work filed IN TESTIMONY WHEREOF, I, PETER G. MORROS
Completion of work filed State Engineer of Nevada, have hereunto set my hand and the seal of
Proof of beneficial use filed my office, this 17th day of October
Cultural map filed

Certificate No. 218 (REV. 9-80)
Issued DEC 17 1986
State Engineer

A.B. 19.84
State Engineer